IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23051 of 2004

Between:

South Andhra Lutheran Church (SALC), A Society Regd. Under Societies Registration Act, Rep. by its Bishop-President, Rt. Rev. G.D. Sundersekhar, East Mission Compound, Tirupathi.

..... PETITIONER

AND

1 The District Collector, Kadapa District.
2 The District Minority Welfare Officer, Kadapa District.

.....RESPONDENTS.

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned proceedings of the respondent No.1 vide Rc.No. 410/B/99 dated 06-12-2004 as illegal, null, void and without jurisdiction and interfering with the administration of justice and amounting to contempt of court and to pass such other order or orders

Counsel for the Petitioner:MR.M.S.PRASAD

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court at the admission stage made the following :

The Hon'ble Sri Justice

K.C. Bhanu

W.P. No. 23051 of 2004

O R D E R:

The present writ petition is filed seeking to issue a writ of Mandamus declaring the proceedings of respondent No.1 vide RC No.410/B/99 dated 6.12.2004 as illegal and null and void.

It seems some of the members of the petitioner-society made a representation to the District Collector with a request to settle the dispute among the members of the society and to conduct elections to its managing committee. Basing on the said representation, a meeting was convened on 22.11.2004 wherein some of the members of the society have participated. In the said meeting it was decided that again the persons interested shall attend the meeting on 13.12.2004 and thereafter the President of the petitioner-society was directed to appear before the meeting to be held on 13.12.2004 at 5 p.m. The said proceedings are under challenge.

Learned counsel for the petitioner contended that the Collector is not the competent authority to settle the disputes relating to the petitioner-society and therefore the impugned order suffers from serious legal infirmities.

On the other hand, learned Government Pleader contended that in the interest of the petitioner-society a meeting has been convened and on the representation given by some of the members of the society, they are directed to produce certain documents so that the dispute will be settled among the members of the petitioner-society.

The District Collector though with a view to settle the disputes among the members of the petitioner-society has issued the impugned proceedings, but he has no authority or jurisdiction to settle the disputes among the members of the petitioner-society. Though the intention of the 1st respondent is good, but at the same time he

has no source of power so as to settle the disputes among the members of the petitioner-society. The order under challenge suffers from serious legal infirmities so as to call for interference.

Hence, the impugned proceedings are held to be without jurisdiction and the writ petition is allowed.

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K.C. Bhanu, J.

Date: 13—12—2004.

Note:

C.C. by tomorrow.

(BO)

MVB.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Kadapa District.
2 The District Minority Welfare Officer, Kadapa District.

3. 2CCs to G.P. for Social Welfare, High Court of A.P. Hyderabad (OUT).

4. 2 C.D. copies.